IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl..No. 7036 of 2006()

CMP.5285/2006 of J.M.F.C.,THIRUVALLA
CR.NO.31/06 OF MALLAPPALLY EXCISE RANGE.

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PETITIONERS/ACCUSED

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1. P.C.SURESH, S/O.SAI,
   AGED 40 YEARS, KOCHUVEEDU,
   KALLIPPARA, KOTTANGAL VILLAGE,
   MALLAPPALLY.

2. C.C.RAJESH, S/O.GANGADHARAN,
   AGED 27 YEARS, CHERATTU VEEDU,
   KAVUMBHAGAM, KULATHOOR,
   MALLAPPALLY.

BY ADV. SRI.S.HARIKRISHNAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE INSPECTOR,
   MALLAPPALLY.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No.7036 OF 2006

DATED THIS THE 6TH DAY OF DECEMBER, 2006

O R D E R

Petitioners who are accused Nos.1 and 2 in C.R.No.31/06 of Mallappally Excise Range for offences punishable under sections 8(1) and 8(2) read with sections 55(a) and 56(b) of the Abkari Act for allegedly having been found in possession of 10.250 litres of spirit and 30 litres of toddy on 4.11.2006 and who were arrested on the same day, seek bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to conclude that the petitioners are innocent and have been falsely implicated in the case. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-